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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT SEATTLE**

11 **BRIAN PURKHISER,**) Case No.
12 Plaintiff,))
13 vs.) **COMPLAINT FOR VIOLATION**
14)) **OF FEDERAL FAIR DEBT**
15 **GLOBAL CREDIT &**) **COLLECTION PRACTICES ACT**
16 **COLLECTION CORPORATION,**))
17 Defendant.))
18

19 **NATURE OF ACTION**

20 1. This is an action brought under the Fair Debt Collection Practices
21 Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*, and the Telephone Consumer
22
23 Protection Act (“TCPA”), 47 U.S.C. § 227.

24 **JURISDICTION AND VENUE**

26 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d), 47 U.S.C. §
27
28 227(b)(3), 28 U.S.C. § 1331, and 28 U.S.C. § 1367(a).

COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-1

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3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b), where the acts and transactions giving rise to Plaintiff's action occurred in this State and this district, where Plaintiff resides in this State and this district, and where Defendant transacts business in this State and this district.

PARTIES

4. Plaintiff, Brian Purkhiser (“Plaintiff”), is a natural person who at all relevant times resided in the State of Washington, County of Snohomish, and City of Edmonds.

5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

6. Defendant, Global Credit & Collection Corporation (“Defendant”) is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

7. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.

9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction in

1 which the money, property, insurance, or services that are the subject of the
2 transaction were incurred primarily for personal, family, or household purposes.
3

4 10. Defendant uses instrumentalities of interstate commerce or the mails
5 in a business the principal purpose of which is the collection of any debts, and/or
6 regularly collects or attempts to collect, directly or indirectly, debts owed or due,
7 or asserted to be owed or due another
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9 11. Within one (1) year preceding the date of this Complaint, Defendant
10 threatened to take an action against Plaintiff that cannot be legally taken or that
11 was not actually intended to be taken, including threatening to file a lawsuit
12 against Plaintiff and take legal action against Plaintiffs property, where Defendant
13 did not actually intend to take such action and, on information and belief, did not
14 have authority from the creditor to take such action.
15

16 12. The aforementioned threats took place during a telephone call placed
17 by Defendant to Plaintiffs cell phone on or about March 30, 2010 (§ 1692e(5)).
18

19 13. Within one (1) year preceding the date of this Complaint, Defendant
20 caused Plaintiff's telephone to ring repeatedly or continuously with intent to
21 harass, annoy or abuse Plaintiff.
22

23 14. In or around the month of March, 2010, Defendant called Plaintiff on
24 his cell phone 4 or more times in a single day and more than 20 times in the span
25

1 of a single week (§ 1692d(5)).
2
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4 15. Defendant's actions constitute conduct highly offensive to a
5 reasonable person, and as a result of Defendant's behavior Plaintiff suffered and
6 continues to suffer injury to Plaintiff's feelings, personal humiliation,
7 embarrassment, mental anguish and/or emotional distress.
8

COUNT I

9 16. Plaintiff repeats and re-alleges each and every allegation contained
10 above.
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12 17. Defendant violated the FDCPA as detailed above.
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14 WHEREFORE, Plaintiff prays for relief and judgment, as follows:
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- 16 a) Adjudging that Defendant violated the FDCPA;
17
- 18 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k,
19 in the amount of \$1,000.00;
- 20 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- 21 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
22 this action;
- 23 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
24 may be allowed under the law;
- 25 f) Awarding such other and further relief as the Court may deem just
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1 and proper.
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COUNT II

4 18. Plaintiff repeats and re-alleges each and every allegation contained
5 above.
6

7 19. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and
8 knowingly utilizing an automatic telephone dialing system to make and/or place a
9 telephone call to Plaintiff's cellular telephone number.
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11 WHEREFORE, Plaintiff prays for relief and judgment, as follows:
12

- 13 a) Adjudging that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);
14 b) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. §
15 227(b)(3)(B), in the amount of \$500.00 per violation;
16 c) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. §
17 227(b)(3)(C), in the amount of \$1,500.00 per violation;
18 d) Awarding Plaintiff actual damages, pursuant to 47 U.S.C. §
19 227(b)(3)(B);
20 e) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
21 this action;
22 f) Awarding Plaintiff any pre-judgment and post-judgment interest as
23 may be allowed under the law.
24

TRIAL BY JURY

Plaintiff is entitled to and hereby demands a trial by jury.

Respectfully submitted this 10th day of June, 2010.

s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiff

**COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-6**

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